

111TH CONGRESS  
2D SESSION

# S. 4028

To amend part B of title IV of the Social Security Act to authorize the Secretary of Health and Human Services to award grants to local and tribal governments for hiring child protective services workers.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2010

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part B of title IV of the Social Security Act to authorize the Secretary of Health and Human Services to award grants to local and tribal governments for hiring child protective services workers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “Erin’s Law”.

5       **SEC. 2. ERIN MAXWELL MEMORIAL GRANTS.**

6       (a) FINDINGS.—Congress makes the following find-  
7       ings:

1           (1) With the enactment of the Adoption and  
2       Safe Families Act of 1997 (Public Law 105–89),  
3       Congress asserted the pre-eminent importance en-  
4       suring children’s safety.

5           (2) Five children die every day from abuse and  
6       neglect in America.

7           (3) Between 2001 and 2007, a total of 10,440  
8       children died as a result of abuse and neglect.

9           (4) Research has revealed that child deaths re-  
10      sulting from an injury caused by abuse or neglect  
11      are underreported, and that as many as 50 to 60  
12      percent of child fatalities resulting from abuse or ne-  
13      glect are not recorded as such, according to studies  
14      conducted in 2002 and 2005.

15          (5) States receive allegations of child abuse or  
16      neglect involving as many as 6,000,000 children  
17      each year.

18          (6) Well trained, competent, and sufficient child  
19      protective services workers are critical to screening  
20      those allegations and responding appropriately to en-  
21      sure children’s safety.

22      (b) ESTABLISHMENT OF GRANT PROGRAM.—Part B  
23      of title IV of the Social Security Act (42 U.S.C. 621 et  
24      seq.) is amended by adding at the end the following:

1   **“Subpart 3—Erin Maxwell Memorial Grant Program**

2   **“SEC. 440. ERIN MAXWELL MEMORIAL GRANTS.**

3       “(a) DEFINITIONS.—In this section:

4           “(1) ELIGIBLE APPLICANT.—The term ‘eligible  
5       applicant’ means a unit of local government or an  
6       Indian tribe or tribal organization that satisfies the  
7       conditions specified in subsection (d).

8           “(2) CHILD PROTECTIVE SERVICES WORKER.—  
9       The term ‘child protective services worker’ means an  
10      individual whose primary employment responsibility  
11      is to conduct screening and intake of referrals alleg-  
12      ing child abuse or neglect, to investigate allegations  
13      of child abuse or neglect, to provide alternative or  
14      differential responses to actual or alleged child abuse  
15      or neglect, or to provide preventative services or  
16      post-investigation services for actual or alleged vic-  
17      tims of child abuse or neglect.

18          “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—  
19      The terms ‘Indian tribe’ and ‘tribal organization’  
20      have the meanings given such terms by subsections  
21      (e) and (l) of section 4 of the Indian Self-Deter-  
22      mination and Education Assistance Act (25 U.S.C.  
23      450b), respectively.

24          “(b) AUTHORITY TO AWARD GRANTS.—The Sec-  
25      retary shall award grants on a competitive basis to eligible  
26      applicants for hiring child protective services workers.

1 “(c) APPLICATIONS.—

2 “(1) IN GENERAL.—Each eligible applicant de-  
3 siring a grant under this section shall submit an ap-  
4 plication to the Secretary at such time, in such a  
5 manner, and accompanied by such information as  
6 the Secretary shall require.

7 “(2) CONTENTS.—In accordance with the regu-  
8 lations or guidelines established by the Secretary, an  
9 application submitted pursuant to paragraph (1)  
10 shall—

11 “(A) include a long-term strategy and im-  
12 plementation plan that reflects consultation  
13 with community groups and appropriate private  
14 and public agencies and that is designed to—

15 “(i) reduce caseloads of child protec-  
16 tive services workers;

17 “(ii) improve timeliness of response to  
18 allegations of child abuse or neglect;

19 “(iii) improve training and qualifica-  
20 tions of child protective services workers to  
21 better ensure children’s safety; and

22 “(iv) improve protocols and inter-  
23 agency communication processes related to  
24 responding to multiple allegations of child

1           abuse or neglect concerning the same  
2           household;

3           “(B) describe the activities for which grant  
4 funds are sought;

5           “(C) explain the applicant’s inability to ad-  
6 dress the need without such funds;

7           “(D) identify related governmental and  
8 community initiatives which complement or will  
9 be coordinated with the proposal;

10          “(E) attest that funds shall go to the hir-  
11 ing of child protective services workers;

12          “(F) specify plans for the assumption by  
13 the eligible applicant of a progressively larger  
14 share of the cost in the course of time, looking  
15 toward the continuation of the increased hiring  
16 level using State or local sources of funding fol-  
17 lowing the conclusion of the Federal financial  
18 support;

19          “(G) provides assurances that the appli-  
20 cant will satisfy the conditions specified in sub-  
21 section (d); and

22          “(H) provide such additional assurances as  
23 the Secretary determines to be essential to en-  
24 sure compliance with the requirements of this  
25 section.

1       “(d) ELIGIBILITY FOR FUNDING.—For purposes of  
2 subsections (a)(1) and (c)(2)(G), the conditions specified  
3 in this subsection are the following:

4           “(1) RECORDS.—The eligible applicant shall  
5 maintain a record of all referrals of child abuse or  
6 neglect in a manner that is consistent with the con-  
7 fidentiality and recordkeeping provisions under  
8 clauses (vii), (viii), (ix), and (xii) of section  
9 106(b)(2)(A) of the Child Abuse Prevention and  
10 Treatment Act.

11           “(2) ADDITIONAL CONDITION FOR UNITS OF  
12 LOCAL GOVERNMENT.—In the case of a unit of local  
13 government, in addition to satisfying the condition  
14 specified in paragraph (1), the unit of local govern-  
15 ment shall not be eligible for a grant under this sec-  
16 tion unless the unit of local government dem-  
17 onstrates in its application submitted under sub-  
18 section (c) that the State in which the unit of local  
19 government is located has fulfilled the requirements  
20 of sections 106(b) and 107(b) of the Child Abuse  
21 Prevention and Treatment Act.

22       “(e) USE OF FUNDS.—

23           “(1) IN GENERAL.—Funds received pursuant to  
24 a grant awarded under this section may not be ex-

1       pended to offset a reduction in any other source of  
2       funds.

3               “(2) INDIVIDUAL WORKER FUNDING LIMIT.—

4       Out of funds received pursuant to a grant awarded  
5       under this section, not more than \$50,000 may be  
6       used to hire or rehire any child protective services  
7       worker, unless the Secretary grants a waiver from  
8       this limitation.

9               “(f) MATCHING FUNDS.—The portion of the costs of  
10      hiring or rehiring child protective services workers pro-  
11      vided by a grant awarded under this section may not ex-  
12      ceed 75 percent, unless the Secretary waives, wholly or  
13      in part, the requirement under this subsection of a non-  
14      Federal contribution to the costs of hiring or rehiring child  
15      protective services workers.

16              “(g) AWARDING OF GRANTS.—The Secretary shall  
17      ensure that, of the amounts made available to carry out  
18      this section for a fiscal year—

19                      “(1) 50 percent of such funds shall be used to  
20      award grants to eligible applicants that have juris-  
21      diction over areas with populations exceeding  
22      150,000; and

23                      “(2) 50 percent of such funds shall be used to  
24      award grants to eligible applicants that have juris-

1       diction over areas with populations of 150,000 or  
2       less.

3       “(h) REGULATIONS.—Not later than 180 days after  
4 the date of the enactment of this section, the Secretary  
5 shall promulgate regulations to carry out the grant pro-  
6 gram authorized by this section.

7       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this section,  
9 \$50,000,000 for each of fiscal years 2011 through 2015.”.

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